

House File 349 - Introduced

HOUSE FILE 349

BY BEST

A BILL FOR

1 An Act to require radon testing and mitigation in public
2 schools and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 280.31 Radon testing and
2 mitigation.

3 1. For purposes of this section, "*short-term test*" means
4 a test approved by the department of public health in which a
5 testing device remains in an area for not less than two days
6 and not more than ninety days to determine the amount of radon
7 in the air.

8 2. The board of directors of each public school district
9 shall establish a schedule for short-term testing for radon gas
10 to be performed at each attendance center under its control
11 at least once by July 1, 2022, and at least once every five
12 years thereafter, and following any new construction of an
13 attendance center or additions, renovations, or repairs to an
14 attendance center, unless otherwise provided by subsection
15 5. If the building undergoes a major renovation of the
16 heating, ventilation, and air conditioning system or of the
17 building structure, the building will be tested prior to the
18 renovation and immediately upon completion of the renovation
19 and thereafter at a frequency of every five years if there are
20 no elevated levels, or every two years after mitigation for
21 elevated levels.

22 3. The board of directors of each public school district
23 shall submit the results of each radon test conducted at an
24 attendance center pursuant to this section to the department
25 of education on the annual basic education data survey report.
26 The department of education shall publish the submitted results
27 on the department's internet site for public review and shall
28 provide the submitted results to the department of public
29 health. Each school district shall also publish the most
30 current results on the district's internet site.

31 4. *a.* If the results of a test at an attendance center are
32 at or above four picocuries per liter, the board of directors
33 of the public school district shall have a second short-term
34 test for radon gas and radon decay products performed at the
35 attendance center within ninety days of the first short-term

1 test.

2 *b.* If the results of a second test at an attendance center
3 pursuant to paragraph "a" of this subsection are at or above
4 four picocuries per liter, the board of directors of the
5 public school district shall retain a person credentialed to
6 perform radon abatement measures pursuant to section 136B.1
7 to develop a radon mitigation plan within ninety days of the
8 second short-term test. The board shall implement the radon
9 mitigation plan within one year of the second short-term test.

10 5. *a.* The board of directors of each public school district
11 shall have a short-term test for radon gas and radon decay
12 products performed every other year at any attendance center
13 that has implemented a radon mitigation plan pursuant to
14 subsection 4 or an alternative radon mitigation plan pursuant
15 to paragraph "b" of this subsection.

16 *b.* If the results of a biennial test at an attendance
17 center are at or above four picocuries per liter, the board of
18 directors of the public school district shall retain a person
19 credentialed to perform radon abatement measures pursuant to
20 section 136B.1 to develop an alternative radon mitigation plan
21 within ninety days of the biennial test. The board shall
22 implement the alternative radon mitigation plan within one year
23 of the biennial test.

24 *c.* The board of directors of each public school district
25 shall continue biennial radon testing at an attendance center
26 until the results of biennial radon testing at the attendance
27 center have been less than four picocuries per liter for four
28 consecutive years.

29 6. Radon testing pursuant to this section conducted on and
30 after July 1, 2022, shall be conducted as prescribed by the
31 department of public health by a person certified to conduct
32 such testing pursuant to section 136B.1, or by those district
33 employees trained in a radon testing protocol as approved by
34 the department of public health. The department of public
35 health shall maintain and make available to school districts a

1 list of such certified persons.

2 7. *a.* The department of public health and the department
3 of education shall each adopt rules to jointly administer this
4 section.

5 *b.* In consultation with appropriate stakeholders, the
6 department of public health shall adopt rules pursuant to
7 chapter 17A establishing standards for radon testing at
8 attendance centers pursuant to this section by July 1, 2022.
9 Such standards shall include but are not limited to training
10 requirements for persons certified by the department to conduct
11 such testing and best practices for conducting such testing.

12 8. The department of education and the department of public
13 health shall approve standards for the design and construction
14 of school buildings that minimize radon entry and facilitate
15 any subsequent remediation activities. All new school
16 construction and school renovation projects that cost more
17 than five hundred thousand dollars will incorporate a radon
18 mitigation strategy.

19 Sec. 2. Section 298.3, subsection 1, Code 2019, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *n.* Radon testing and radon mitigation
22 pursuant to section 280.31.

23 Sec. 3. Section 423F.3, subsection 3, paragraph a, Code
24 2019, is amended to read as follows:

25 *a.* If the board of directors adopts a resolution to use
26 funds received under the operation of [this chapter](#) solely for
27 providing property tax relief by reducing indebtedness from the
28 levies specified under [section 298.2](#) or [298.18](#), or for radon
29 testing pursuant to section 280.31, the board of directors may
30 approve a revenue purpose statement for that purpose without
31 submitting the revenue purpose statement to a vote of the
32 electors.

33 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
34 with section 25B.2, subsection 3, the state cost of requiring
35 compliance with any state mandate included in this Act shall

1 be paid by a school district from state school foundation aid
2 received by the school district under section 257.16. This
3 specification of the payment of the state cost shall be deemed
4 to meet all of the state funding-related requirements of
5 section 25B.2, subsection 3, and no additional state funding
6 shall be necessary for the full implementation of this Act
7 by and enforcement of this Act against all affected school
8 districts.

9 Sec. 5. APPLICABILITY. Section 423F.3, subsection 7, shall
10 not apply to this Act.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill requires the board of directors of each public
15 school district to have a short-term test for radon gas
16 performed at each attendance center under its control at least
17 once by July 1, 2022, and at least once every five years
18 thereafter, and following new construction of an attendance
19 center or additions, renovations, or repairs to an attendance
20 center. If the results of such a test are at or above four
21 picocuries per liter, the bill requires the board to have a
22 second short-term test performed at the attendance center
23 within 90 days.

24 If the results of a second test are at or above four
25 picocuries per liter, the bill requires the board of directors
26 of the public school district to retain a person credentialed
27 to perform radon abatement measures to develop a radon
28 mitigation plan within 90 days. The radon mitigation plan must
29 be implemented within one year.

30 If the results of a short-term test at an attendance center
31 at which a radon mitigation plan has been implemented are at or
32 above four picocuries per liter, the bill requires the board
33 of directors of the public school district to retain a person
34 credentialed to perform radon abatement measures to develop
35 an alternative radon mitigation plan within 90 days. The

1 alternative radon mitigation plan must be implemented within
2 one year.

3 The bill requires biennial, short-term radon testing for any
4 school site at which a radon mitigation plan or an alternative
5 radon mitigation plan has been implemented, which continues
6 until the results have been less than four picocuries per liter
7 for four consecutive years.

8 The bill defines "short-term test" as a test approved by
9 the department of public health in which a testing device
10 remains in an area for not less than two days and not more than
11 90 days to determine the amount of radon in the air. Radon
12 testing pursuant to the bill conducted on and after July 1,
13 2022, must be performed by a person certified to conduct such
14 testing as prescribed by the department of public health.
15 Radon mitigation plans and alternative radon mitigation plans
16 pursuant to the bill must be developed and implemented as
17 prescribed by the department of public health.

18 The bill requires the board of directors of each public
19 school district to submit the results of each radon test
20 conducted at an attendance center pursuant to the bill to the
21 department of education on the annual basic educational data
22 survey (BEDS) report. The bill requires the department of
23 education to publish the submitted results on the department's
24 internet site for public review and to provide the submitted
25 results to the department of public health. Each school
26 district shall also publish its most recent results on its
27 school district internet site.

28 The bill requires the department of public health and
29 the department of education to each adopt rules to jointly
30 administer the provisions of the bill relating to radon testing
31 in schools. The bill also requires the department of public
32 health and the department of education to approve standards for
33 the design and construction of school buildings to reduce radon
34 entry and facilitate radon remediation.

35 The bill adds radon testing and radon mitigation pursuant

1 to the bill to the list of permissible uses of a physical
2 plant and equipment levy by a school district. The bill adds
3 radon testing conducted pursuant to the bill to the list of
4 permissible uses of a physical plant and equipment levy or
5 revenues from the secure an advanced vision for education fund
6 under Code section 423F.3.

7 The bill may include a state mandate as defined in Code
8 section 25B.3. The bill requires that the state cost of
9 any state mandate included in the bill be paid by a school
10 district from state school foundation aid received by the
11 school district under Code section 257.16. The specification
12 is deemed to constitute state compliance with any state mandate
13 funding-related requirements of Code section 25B.2. The
14 inclusion of this specification is intended to reinstate the
15 requirement of political subdivisions to comply with any state
16 mandates included in the bill.

17 The bill makes inapplicable Code section 423F.3, subsection
18 7, which requires a bill that would alter the purposes for
19 which the revenues received under Code section 423F.3 may be
20 used from infrastructure and property tax relief purposes
21 to any other purpose to be approved by a vote of at least
22 two-thirds of the members of both chambers of the general
23 assembly.